

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1325 of 1998

Dated:20.06.2007

Between
Md.Sadiq

.....Petitioner

and

1. The District Collector/ President
Dist.Backward Classes Services Co-op
Society Limited, Mahabubnagar
And another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1325 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to consider the appointment of the petitioner as Attender or any other last grade service post on par with his counterpart Ramachandraiah and to declare the action of the respondents in rejecting his claim for appointment as arbitrary and illegal.

It appears that the petitioner was initially appointed as Section Writer in District Backward Classes Services Cooperative Society Limited, Mahabubnagar (for short 'Society') *vide* proceedings dated 9.6.92. Thereafter, the petitioner was appointed as an Attender with effect from 15.7.1992 in the

office of the District Social Welfare Officer, Mahaboobnagar by the District Collector and he had worked for some time. Thereafter, the impugned proceedings dated 10.10.93 were issued reverting him to the Society. Aggrieved thereby, the petitioner earlier filed writ petition No.16212 of 1993. Initially, interim suspension of the impugned order dated 10-10-93 was granted. However, the very writ petition was subsequently dismissed directing the respondents to consider the case of the petitioner for appointment as Section Writer in the society. According to the petitioner, his case was not taken up as per the directions in the above writ petition. Therefore, he filed the present writ petition seeking that his case be considered on par with one Ramachandraiah. It is his contention that the rejection of his case for being appointed as a Section Writer in the Society is arbitrary and illegal.

A detailed counter affidavit has been filed by the respondents denying the allegations

made by the petitioner. It is asserted that the MC meeting of the Society was held on 9.6.1992 under the chairmanship of the District Collector, and it was resolved to absorb the petitioner in BC Welfare Department. Accordingly, the petitioner was temporarily appointed *vide* District Collector proceedings No.1148/86-A1, dated 15.7.1992 as Attender in BC Hostel. His appointment was made purely on temporary basis, without reference to the vacancies with a condition to terminate him at any time whenever his services are not required or whenever his appointment is questioned on the basis of seniority. Consequent to his appointment he was posted as a Graded worker at BC Boys hostel, Telkapally *vide* proceedings dated 15.7.1992. While so, some daily wage workers who are senior to him working in the Department have claimed preference in regularization of their services and approached the Andhra Pradesh Administrative Tribunal for cancellation of the

petitioner's appointment. Under those circumstances, the District Collector has reviewed the appointment of the petitioner and found the contention of other daily workers working in the department before absorption of the petitioner to be genuine. Accordingly, the appointing authority ie., District Collector has cancelled the appointment order of the petitioner vide proceedings dated 10-10-93 and reverted him back to the society as daily wage worker.

It appears that by the time the petitioner was sent to his parent department i.e., District Backward Classes Services Cooperative Society Limited, Mahabubnagar, the post of Section Writer was not available to accommodate the petitioner on daily wage basis. Therefore, the petitioner was not engaged on daily wage basis.

While admitting the writ petition on 21.1.1998 in WPMP No.1481 of 1998, the respondents were directed to consider the

engagement of the petitioner as daily wage Section Writer, if vacancies were available. However, since the vacancies were not available, the petitioner was not engaged and when the petitioner initiated a Contempt Case, the same was dismissed. Now it is more than 10 years, since the petitioner is out of employment. Admittedly, the petitioner was only a daily wage Section Writer in the Society. He worked not even for a period of one month and thereafter he was appointed as an Attender with effect from 15.07.1992, which appointment came to be terminated in view of the grievance made by other daily wage workers already working in the Society.

Under those circumstances, I am of the opinion that the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed.

No costs.

20-06-2007

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